



General Assembly

January Session, 2011

**Committee Bill No. 415**

LCO No. 5110

\*05110SB00415PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

**AN ACT CONCERNING STATE OVERSIGHT OVER HOOKAH LOUNGES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-342 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section, "smoke" or "smoking" means the lighting  
4 or carrying of a lighted cigarette, cigar, pipe, water pipe, hookah or  
5 similar device.

6 (b) (1) Notwithstanding the provisions of section 31-40q, no person  
7 shall smoke: (A) In any building or portion of a building owned and  
8 operated or leased and operated by the state or any political  
9 subdivision thereof; (B) in any area of a health care institution; (C) in  
10 any area of a retail food store; (D) in any restaurant; (E) in any area of  
11 an establishment with a permit issued for the sale of alcoholic liquor  
12 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a,  
13 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an  
14 establishment with a permit for the sale of alcoholic liquor pursuant to  
15 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004,

16 in any area of an establishment with a permit issued for the sale of  
17 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a  
18 bowling establishment holding a permit pursuant to subsection (a) of  
19 section 30-37c; (F) within a school building while school is in session or  
20 student activities are being conducted; (G) in any passenger elevator,  
21 provided no person shall be arrested for violating this subsection  
22 unless there is posted in such elevator a sign which indicates that  
23 smoking is prohibited by state law; (H) in any dormitory in any public  
24 or private institution of higher education; [or] (I) on and after April 1,  
25 2004, in any area of a dog race track or a facility equipped with screens  
26 for the simulcasting of off-track betting race programs or jai alai  
27 games; or (J) in any hookah lounge. For purposes of this subsection,  
28 "restaurant" means space, in a suitable and permanent building, kept,  
29 used, maintained, advertised and held out to the public to be a place  
30 where meals are regularly served to the public, and "hookah lounge"  
31 means space, in a suitable and permanent building, kept, used,  
32 maintained, advertised and held out to the public to be a place where  
33 hookahs or water pipes are regularly made available for use by the  
34 public.

35 (2) This section shall not apply to (A) correctional facilities; (B)  
36 designated smoking areas in psychiatric facilities; (C) public housing  
37 projects, as defined in subsection (b) of section 21a-278a; (D)  
38 classrooms where demonstration smoking is taking place as part of a  
39 medical or scientific experiment or lesson; (E) smoking rooms  
40 provided by employers for employees, pursuant to section 31-40q; (F)  
41 notwithstanding the provisions of subparagraph (E) of subdivision (1)  
42 of this subsection, the outdoor portion of the premises of any permittee  
43 listed in subparagraph (E) of subdivision (1) of this subsection,  
44 provided, in the case of any seating area maintained for the service of  
45 food, at least seventy-five per cent of the outdoor seating capacity is an  
46 area in which smoking is prohibited and which is clearly designated  
47 with written signage as a nonsmoking area, except that any temporary  
48 seating area established for special events and not used on a regular  
49 basis shall not be subject to the smoking prohibition or signage

50 requirements of this subparagraph; [or] (G) any tobacco bar, provided  
51 no tobacco bar shall expand in size or change its location from its size  
52 or location as of December 31, 2002; or (H) any hookah lounge  
53 operating before December 31, 2010, provided such hookah lounge (i)  
54 may not expand in size or change its location from its size or location  
55 as of December 31, 2010, and (ii) shall comply with regulations  
56 established by the Commissioner of Public Health pursuant to  
57 subdivision (3) of this subsection. For purposes of this subdivision,  
58 "outdoor" means an area which has no roof or other ceiling enclosure,  
59 "tobacco bar" means an establishment with a permit for the sale of  
60 alcoholic liquor to consumers issued pursuant to chapter 545 that, in  
61 the calendar year ending December 31, 2002, generated ten per cent or  
62 more of its total annual gross income from the on-site sale of tobacco  
63 products and the rental of on-site humidors, [and] "tobacco product"  
64 means any substance that contains tobacco, including, but not limited  
65 to, cigarettes, cigars, pipe tobacco or chewing tobacco, and "operating"  
66 means leasing, renting or owning space, in a suitable and permanent  
67 building, that is open pursuant to a valid certificate of occupancy,  
68 used, maintained, advertised and held out to the public as a place  
69 where hookahs or water pipes are regularly made available for use by  
70 the public.

71 (3) Not later than July 1, 2013, the Commissioner of Public Health  
72 shall adopt regulations, in accordance with chapter 54, for the  
73 operation of hookah lounges in order to protect the health and safety  
74 of hookah lounge patrons.

75 (c) The operator of a hotel, motel or similar lodging may allow  
76 guests to smoke in not more than twenty-five per cent of the rooms  
77 offered as accommodations to guests.

78 (d) In each room, elevator, area or building in which smoking is  
79 prohibited by this section, the person in control of the premises shall  
80 post or cause to be posted in a conspicuous place signs stating that  
81 smoking is prohibited by state law. Such signs, except in elevators,

82 restaurants, establishments with permits to sell alcoholic liquor to  
83 consumers issued pursuant to chapter 545, hotels, motels or similar  
84 lodgings, and health care institutions, shall have letters at least four  
85 inches high with the principal strokes of letters not less than one-half  
86 inch wide.

87 (e) Any person found guilty of smoking in violation of this section,  
88 failure to post signs as required by this section or the unauthorized  
89 removal of such signs shall have committed an infraction.

90 (f) Nothing in this section shall be construed to require any smoking  
91 area in any building.

92 (g) The provisions of this section shall supersede and preempt the  
93 provisions of any municipal law or ordinance relative to smoking  
94 effective prior to, on or after October 1, 1993.

95 Sec. 2. Subsection (a) of section 31-40q of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective from*  
97 *passage*):

98 (a) As used in this section:

99 (1) "Person" means one or more individuals, partnerships,  
100 associations, corporations, limited liability companies, business trusts,  
101 legal representatives or any organized group of persons.

102 (2) "Employer" means a person engaged in business who has  
103 employees, including the state and any political subdivision thereof.

104 (3) "Employee" means any person engaged in service to an employer  
105 in the business of his employer.

106 (4) "Business facility" means a structurally enclosed location or  
107 portion thereof at which employees perform services for their  
108 employer. The term "business facility" does not include: (A) Facilities  
109 listed in subparagraph (A), (C), [or] (G) or (H) of subdivision (2) of

110 subsection (b) of section 19a-342, as amended by this act; (B) any  
 111 establishment with a permit for the sale of alcoholic liquor pursuant to  
 112 section 30-23 issued on or before May 1, 2003; or (C) for any business  
 113 that is engaged in the testing or development of tobacco or tobacco  
 114 products, the areas of such business designated for such testing or  
 115 development. ]; or (D) during the period from October 1, 2003, to April  
 116 1, 2004, establishments with a permit issued for the sale of alcoholic  
 117 liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling  
 118 establishment holding a permit pursuant to subsection (a) of section  
 119 30-37c.]

120 (5) "Smoking" means the burning of a lighted cigar, cigarette, pipe  
 121 or any other matter or substance which contains tobacco.

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| This act shall take effect as follows and shall amend the following sections: |                     |           |
| Section 1   | <i>from passage</i> | 19a-342   |
| Sec. 2  | <i>from passage</i> | 31-40q(a) |

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|-----------|---------------------|-----------|
| Section 1 | <i>from passage</i> | 19a-342   |
| Sec. 2    | <i>from passage</i> | 31-40q(a) |

**Statement of Purpose:**

To prohibit smoking in hookah lounges established after July 1, 2011, and to require the Department of Public Health to establish health regulations for those lounges operating prior to July 1, 2011.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. SLOSSBERG, 14th Dist.

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